IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2172 of 2007()

C.R.No.172/2006 of Chengannur Excise Range

PETITIONER/ACCUSED IN CR NO.172/2006

BABU, AGED 30 YEARS,
S/O.CHELLAPPAN ACHARY, RESIDING AT ULIYANADU
KIZHKKETHIL VEEDU, PERISSERY MURI, PULIYUR VILLAGE
CHENGANNUR TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT IN C.R.NO.172/2006

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI FIROZ KHAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

B.A.No.2172 of 2007

Dated this the 17th day of April, 2007

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the accused in C.R. No.172/2006 of Chengannur Excise Range. The offence alleged against him is under Section 8 (i) and (ii) of the Abkari Act.

3. The petitioner moved an application for bail before the Court of Judicial Magistrate of the First Class-II, Chengannur, but the same was dismissed by the order dated 21/02/2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned

counsel for the petitioner that the petitioner is undergoing detention from 19/02/2007. The prosecution case is that the petitioner was found in possession of five litres of illicit arrack. The learned counsel for the petitioner submits that the petitioner requires treatment by a psychiatrist.

In the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition that he executes a bond for Rs25,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class-II, Chengannur.

(K.T.SANKARAN)
JUDGE

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